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Holmes, Joseph Austin.

Some recent road  
legislation ...

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Economic Papers, No. 2

SOME  
RECENT ROAD LEGISLATION  
IN  
NORTH CAROLINA.

J. A. HOLMES



The result of one hundred years of road building under the old system of compulsory labor. Isn't it about time to try a different system?

PUBLIC PRINTER, RALEIGH.

1899

TE 324  
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1894



The old fashion earth road may be the cheapest road to build but it is the most expensive road to use. In using them we lose more than it would cost to build good roads.



The people of Mecelenburg invested during 1898 over \$40,000 in these good roads, and they say this is the best paying investment the county ever made.



MAR 26 1910  
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## LETTER OF TRANSMITTAL.

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To his Excellency, HON. D. L. RUSSELL,  
*Governor of North Carolina.*

SIR:—In response to a somewhat general demand for the same I have the honor to submit for publication, as the second of a series of *economic papers*, a brief account of some recent legislation in North Carolina providing for the maintenance and improvement of the public roads and highways in certain counties in the State.

Yours obediently,

J. A. HOLMES,  
*State Geologist.*

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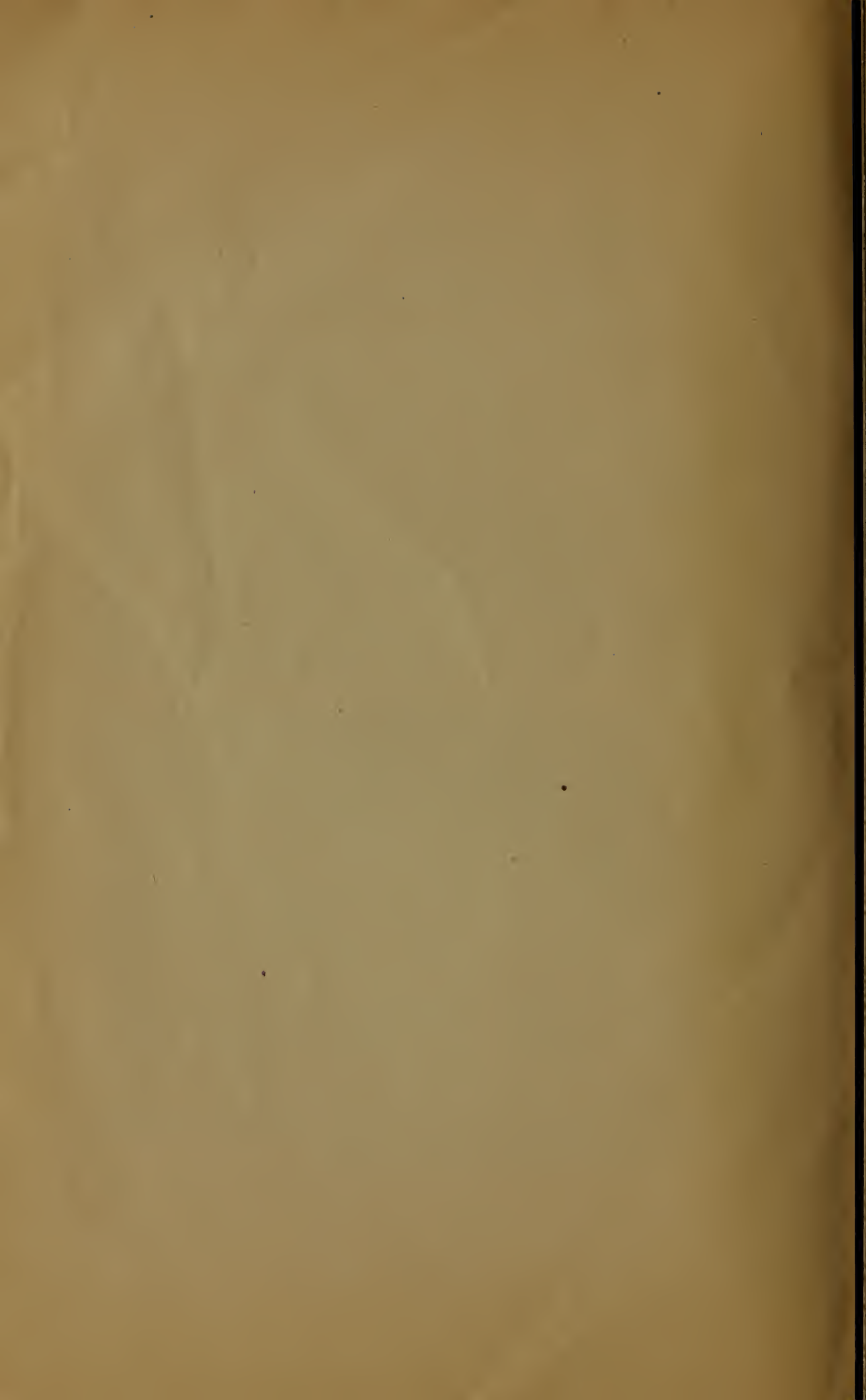
## PREFACE.

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Many a legislator has returned to his home with the feeling that having passed a new road law for his county the securing of good roads is only a matter of a short time. But during the next few years he has seen his law either repealed or amended, for better or worse, by succeeding legislatures; and meanwhile little or nothing has been accomplished in the way of improvements of a permanent character. But the very rapidity with which local road legislation has changed in North Carolina during the past decade of itself indicates in a measure the deep interest felt by our people in this subject.

There are many people who seem to think that a good road law will make good roads; but we all realize after a short experience that this will be true only when such a law is supported and executed by an intelligent and progressive public opinion and action. In a community guided by such a sentiment there is needed only a law which, in the simplest possible way, gives the proper authorities the power to do what is right and necessary in this connection.

The general road law of 1899 published in this paper is not the product of any one person. It was prepared by and under the direction of the public roads committee of the last General Assembly. It is based on the experience of the best road builders in the state and a careful digest of existing road laws in this and other states. Not one of its authors supposes it to be perfect or that the law of itself will build good roads; or that it will please everybody; for there are many people who do not like any law which levies a tax and says "thou shalt" do even what they know must be done. But it is believed that a careful examination and test of this law will show it to be greatly helpful in any county or township where the people have determined to permanently improve their public roads whether they be located among the mountains or nearer the sea shore. In Bulletin 18 of the Geological Survey series of reports will be found a fuller discussion of road legislation in North Carolina during the past century, and also a description of the modern methods of road building.





# SOME RECENT ROAD LEGISLATION IN NORTH CAROLINA.

## LAWS OF A GENERAL NATURE.

Among the laws in relation to road building in North Carolina enacted by the last Legislature there are a few of a somewhat general nature which owing to the new features which they embody or to their general application deserve to be mentioned in this connection. Of these the general road law, which is published in full below (p. 11), applies directly to only a limited number of counties; but any of its sections except that levying a tax may be adopted by any county otherwise providing funds for road improvement. The wide-tire law, the object of which is to encourage the use of wide tires on wagons and other draft vehicles, applying to eleven counties and one township, is also published in full below (p. 24). Two general acts relative to public prisoners were passed: one authorizing the Commissioners in the several counties to provide for working all short term prisoners on the public roads or on county farm; the other, "An act to compel vagrants to work on public roads or highways of the State." Another act provides that persons having gates on public roads shall provide hitch-posts on either side of the gate.

## SPECIAL OR LOCAL ROAD LAWS.

A considerable number of local laws were enacted bearing on the subject of road and street improvements in different counties and towns. Five counties and one township were authorized to vote during the present year on the issue of bonds for road purposes: Alamance, Cabarrus and Mecklenburg, for \$100,000 each; New Hanover, for \$50,000, and Anson for \$25,000; Monroe township (Union county), \$30,000; and several other counties were authorized to issue bonds for the building of bridges. Beside these, some half dozen towns were authorized to vote bonds for street improvement.

New special road laws were enacted for Anson, Washington, New Hanover, Cumberland, Davidson and Polk; special laws rela-

tive to the use of convicts were passed for Franklin, Chatham, Robeson and perhaps a few other counties; the existing laws with reference to the working of convicts on the roads in Anson county and the working of public roads in Graham, Transylvania, Jackson, Guilford, Haywood, Mecklenburg and Wake were amended; while special laws for Northampton, Green, Wilson, Wayne, Nash, Halifax, Jones, Ashe, Alleghany and Watauga were repealed. In addition to the above a number of special laws were enacted with reference to the construction of bridges, ferries and turnpikes in various counties.

#### THE GENERAL ROAD LAW OF 1899.

The Mecklenburg road law, which was the beginning of modern road legislation in North Carolina, was drawn by Capt. S. B. Alexander of Charlotte as a general road law, but was adopted by the General Assembly of 1879 for only 3 counties, Mecklenburg, Forsyth and Stokes. It was repealed by the following Legislature (1881) for each of these counties. It was re-enacted by the General Assembly of 1885, in a somewhat modified form, for Mecklenburg county alone. Since that time it has entered largely into the road legislation for various counties. Indeed this has exercised a lasting influence for good on the road legislation of the state. The general road law of 1899 is intended to serve either as a supplement to this Mecklenburg law or as a substitute for it. It is more especially a county system of road management, while the Mecklenburg law is more especially a township system. It may be made to serve as a substitute for both this Mecklenburg township system and for the general convict law, under the latter of which in Mecklenburg county that splendid system of Macadam roads has been constructed during the past few years.

#### PRINCIPAL FEATURES OF THE LAW.

The principal features of this law of 1899 may be stated as follows:

Section 1 provides for a tax levy for road purposes by the County Commissioners of not less than 5 nor more than 25 cents on the \$100 worth of property, nor less than 15 nor more than 75 cents on the poll, the funds arising from this tax to be used as far as possible for permanent improvements.

Sections 2 and 3 provide for the appointment of either a superintendent of roads, or township road supervisors, or both, to take charge of the road work under the County Commissioners.

Sections 4, 5, 6, and 7 provide for the repairs or patching of public roads by able bodied male citizens between the ages of 21 and 45 years, four days labor or the payment of \$2 for each man.

Section 18 empowers the Board of Commissioners to gradually reduce the number of days of labor required for road duty, one day for each year, until the old labor system is abolished entirely, the road tax being increased proportionally; while Section 19 empowers the Commissioners to reduce the payment in lieu of this labor from \$2 to \$1 per annum when a sufficiently high tax is levied.

Sections 8 and 9 provide that any county shall work on its public roads all its prisoners whose sentence does not exceed 10 years; and that it may also use similar prisoners from other counties in the same or adjoining judicial districts; also that counties with but few convicts may arrange for an exchange with neighboring counties.

Sections 10 and 12 provide for the proper grade, width and relocation of important public roads or highways. In changing the location of roads to avoid hills, etc., the location of the road is first changed; and if after the new road is completed damages are claimed the benefits and damages are both considered by an impartial jury and settlement made on this basis. Section 10 recognizes and separates these principal public roads or highways which are to receive this special treatment from the less important roads which may receive less careful attention; the selections to be made by the county commissioners.

Section 11 provides for obtaining timber, stone, gravel, etc., from unimproved lands adjacent to the roads.

Sections 15 and 16 make the county treasurer also treasurer of road funds and provides for the disbursement of these funds.

Section 20 provides that counties levying bonds for road purposes need not levy a road tax in addition.

Section 21 provides that any township may by a majority vote or petition have levied a township road tax in addition to the county road tax.



Section 22 makes this act apply to the following counties: Mecklenburg and Forsyth (except sections 4, 5, 6 and 7); Alamance, Durham, Rockingham, Gaston, New Hanover, Pender, Warren, and Chapel Hill township of Orange county.

Section 23 provides that this act may be adopted as the road law for 39 additional counties or any township therein by the Board of Commissioners, when petitioned so to do by 300 freeholders in the county or 50 freeholders in any township.

Sections 24, 25 and 26 relate to Durham, Pender and Orange (Chapel Hill township) counties respectively.

Section 27 provides that in any county not coming under the provisions of this act but otherwise providing funds for improving its roads, the Commissioners may nevertheless adopt as a part of the road law of their county any sections of this act except Section 1, levying a tax. In this way this new road law may be in part adopted by every county which is earnestly trying to improve its public roads.

Section 28 repeals all laws or parts of laws in conflict with this act and Section 29 makes this act in force March 7, 1899.

A careful examination of this law will show that it is in a measure both flexible and rigid, and hence that it can be easily adapted to the varying conditions which exist in different portions of the State.

#### COUNTIES TO WHICH THE ABOVE LAW APPLIES.

As will be seen from an examination of section 22, the general road law of 1899 is made to apply directly to nine counties and one township. Section 23 states the conditions under which this law may be adopted for thirty-nine additional counties.

Section 27 gives a list of counties to which the law does not apply but also provides that any or all portions of the law (except section 1 levying a tax) may by a vote of the county commissioners be incorporated as a part of the road law of any county in the state otherwise providing funds for road improvement. In this way it is possible for the best features of this law to be adopted by every county in the state which is making a serious effort to improve its public roads.



AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE  
PUBLIC ROADS AND HIGHWAYS OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners in each of the several counties coming under the provisions of this act, shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June, 1899, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county of not less than 5 cents, nor greater than 25 cents on the \$100 worth of property, and not less than 15 cents nor greater than 75 cents on the poll; the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams, wagons, camp outfit, quarters or stockades, for the use of and safe keeping of the convict force as may be found necessary in the proper carrying out of this work, and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the moneys raised under this section shall, as far as possible, be used for permanent improvements. Provision for a road fund. Money to be spent for permanent improvements.

SEC. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in June, 1899, and at their regular meeting in January of each and every year thereafter, a superintendent of roads, who shall be paid such compensation as may be fixed by the board of county commissioners, and to be paid out of the county road fund, and who, after January, 1899, shall hold office for one year, or until his successor has been elected and qualified, as provided for in this act: *Provided,* that the said superintendent of roads may be at any time removed by the board of county commissioners after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of roads, subject to the approval of the board of county commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in the county, and he shall submit to the board of county commissioners a monthly report concerning the work in progress and the moneys expended; and he shall submit quarterly a report on the condition of the public roads and bridges, and plans for their improvements, and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipments on hand. Said road superintendent, before entering upon the duties of his office, shall deposit with the board of county commissioners a good and lawful bond, to be approved by the said board of commissioners, for the sum of \$2,000 as a guarantee of the faithful and honest discharge of the duties of Constant and responsible oversight of roads. Bond of the road superintendent.

Appointment of township supervisors.

his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the superior court of the county. In case of the death or resignation or removal of said road superintendent, it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of said board of county commissioners, or until the regular January meeting of said board, and until his successor has been elected and qualified: *Provided*, that when in the opinion of the board of commissioners in any county coming under the provisions of this act, not regularly employing a convict force on its public roads, the appointment of a road superintendent is inconsistent with the best interests of such county, the said board shall not be required to comply with the requirements of section 2 of this act, but may, in lieu thereof, appoint directly one supervisor of roads in each township, and each such supervisor, in the township for which he is appointed, shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismissal under the same terms as laid down for the road superintendent; and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than twice the amount of the road tax in his township for any one year, under the same conditions as laid down for said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners.

Temporary township supervisors.

SEC. 3. That the board of county commissioners, or the road superintendent, subject to the approval of said board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county, to be known as township supervisor of roads, who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed, or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work, such compensation, per day, during such time as they are actually employed in working on the public roads as may be agreed upon by said [road] superintendent, and approved by the board of county commissioners, the guards to be paid out of the general county road fund, and the township supervisors to be paid out of the respective township road funds.

Four days labor for repairing roads in each township.

SEC. 4. That all able-bodied male persons of the county, between the ages of twenty-one and forty-five years, except [residents] of incorporated cities and towns, shall work on the public roads of said county for four days (of nine hours each) in each and every year at such time and place, and in such manner as may be designated by the road superintendent or township supervisor: *Provided*, that the said superintendent or the supervisor in each township shall give to each person of his township, who is subject to road duty, at least three days' notice by personal warning, or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided*



*further*, that in case of washout or other unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur, shall, upon being properly summoned by said superintendent or supervisor of roads, respond to such summons with reasonable promptness: *Provided, further*, that any person may, in lieu of working four days on the public road, pay on or before the first day of July, 1899, and on or before the 1st day of April of each year thereafter, to the county treasurer or road superintendent, the sum of two dollars, and it shall be the duty of said treasurer or road superintendent, upon receipt of said money, or any part thereof, to issue to such person a receipt for the same, stating in such receipt the amount and the year for which the same is paid. All moneys paid to the said road superintendent, as provided for in this act, shall, within fifteen days after being received by him, be turned over to the county treasurer and credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township from which it was paid. If the road superintendent fail to turn over to the county treasurer money so collected, within fifteen days, he shall be guilty of a misdemeanor: *Provided* that no person liable to road duty under this section shall be required to work on the public roads outside of the township and road district in which he resides, the boundaries of the road districts within each township to be fixed by the county commissioners.

Labor or money paid in lieu thereof to be used in separate townships.

SEC. 5. That any person who shall, after being duly notified as provided in section 4 of this act, fail to appear and work as required to do, (after having failed to pay the sum of two dollars) or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.

SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the county road superintendent, and shall be paid for out of the road fund of the townships in which the said implements or tools are to be used: *Provided*, that until the county road superintendent shall be able to supply the necessary implements and tools, he may, and is hereby empowered to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used, while working on said road, as the superintendent or supervisor may designate in his notice or summons as being necessary.

Tools and implements.

SEC. 7. That on the first day of June, 1899, and on the first day of April of each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisor of roads in each township of the county shall furnish through the county road superintendent to the treasurer of the county a complete list of the names of all persons liable for road duty in the township in which he resides. Said treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of two dollars as provided in section 4 of this act, and shall, within fifteen days, and as

Preparation of a list of persons liable for road duty.

often thereafter as may be necessary, furnish to the county road superintendent a correct revised list of all persons liable for road duty in each said township for the year. A list of such persons liable to road duty in each township, who have during the year failed to work on the public road, after having been duly notified, or to pay as provided for in section 4 of this act, shall immediately be submitted by the county road superintendent or township supervisor to a justice of the peace in the township in which such persons reside, and it shall be the duty of said justice of the peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however*, that the defaulting party may be prosecuted at any time and by any citizen of the county.

Penalty for failure to work.

SEC. 8. That all prisoners confined in the county jail, under a final sentence of the court for crime, or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non payment of costs, and all persons sentenced in said county to the state prison for a term of less than ten years, shall be worked on the public roads of the county: *Provided*, that [in case the number of such prisoners in any county, at any time, be less than five] the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners, during alternate months or years, as will enable each such cooperating county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the said road superintendent of the county, or that of the chairman of the board of county commissioners, the judge of the superior court, or the judge of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace, or said principal officer, to assign such persons convicted in his court to said road superintendent, for work on the public roads of said county; all such convicts to be fed, clothed, and otherwise cared for, at the expense of the county: *Provided, further*, that in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal or inferior courts in the county may be sentenced to the penitentiary or to the county jail.

To work convicts on the county roads.

SEC. 9. That when the commissioners of any county shall have made provisions for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from that county, upon the application of the commissioners of said county to the judges of the superior and criminal courts presiding in adjoining counties, or any other county or counties in the same or adjoining judicial districts, which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section 8 of this act from such adjoining counties or other counties in the same and adjoining judicial districts to work on the public roads of said county or counties applying for the same, in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of each such county: *Provided*,

Obtaining convicts from other counties.



that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties, at the expense of the county having received and used them.

SEC. 10. That the principal public roads or highways to be improved or constructed in accordance with the provisions of section 1 of this act, prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed, may be first carefully surveyed and located by an engineer or surveyor, trained and experienced in such work, aided by the county road superintendent and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses as may be agreed upon by the county commissioners. All such public roads or highways where changed or hereafter located or relocated, shall be given a grade nowhere greater than three feet in one hundred feet, in counties situated in eastern North Carolina; five feet in one hundred feet, for counties situated in middle or Piedmont North Carolina; and six feet in one hundred feet in counties situated in the mountain region of the State, and a width of not less than twenty feet, clear of ditches, trees, logs, and other obstructions. All such roads shall be thoroughly drained, and wherever it may be necessary to turn water across the road this shall be done by putting in sewer pipe or other forms of covered drains or culverts: *Provided*, that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred in either of the regions named in this section, for distances of less than fifty feet in one place: *Provided, further*, that where the roadway must be located on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall be not less than thirteen feet.

SEC. 11. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved lands planted or left for ornament or shade, to dig, or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, watercourse or waste ground, and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offence, said penalty to be collected by the said superintendent or supervisors, if in money and paid over to the county treasurer and applied to the road fund of the county.

Regulating the grade and width of more important roads or highways.

Obtaining timber, stone, gravel, etc., from adjacent unimproved lands.

If the owner of any lands, or the agent or agents of such owner, having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid, shall present an account of the same, through the county road superintendent, at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said land owner or his agent shall have the right of appeal as provided for in section 13 of this act.

Changing location  
of roads so as to  
avoid hills, etc.

SEC. 12. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer, or surveyor to locate, relocate or change any part of any public road where, in his judgment, such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages, therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable, as provided by law, who shall give said land owners or their local representative forty-eight hours notice of the time and place, when and where said jury will meet to assess damages; and said jury, being duly sworn, in considering the question of damages, shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and it shall report in writing its finding to the board of county commissioners for confirmation or revision: *Provided*, that if said land owner be a non-resident of the county and have no local representative, it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury, to the last known post-office address of such land owner, seven days in advance of such meeting; and also to post a notice of the same for seven days at the court-house door of said county.

Right of appeal.

SEC. 13. That in case the land owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections 11 and 12 of this act, and with the decision of the county commissioners, such dissatisfied party may appeal from the decision of the county commissioners to the superior court of the county; all such appeals being governed by the law regulating appeals from the courts of justices of the peace; and the same shall be heard *de novo*; but the judge may, in his discretion, require said land owner to give bond when the case is taken by appeal to the superior court.

SEC. 14. That any officer or employee [appointed] by virtue of this act, or to whom duties are assigned in this act, who shall fail to make com-



plete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor.

SEC. 15. That the county treasurer shall be, and he is hereby appointed, treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money, the bond of such treasurer shall be liable, and for his services in receiving and disbursing such funds he shall receive such a commission as the board of county commissioners may agree upon, not to exceed two per cent, on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county and of the several townships when itemized statements of the same have been certified to by the county road superintendent and approved by the board of county commissioners.

County treasurer,  
also treasurer of  
the several town-  
ship road funds.

Payments of  
accounts for road  
work.

SEC. 16. The county treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners, at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year, he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports, or the substance thereof shall be published by said commissioners in at least one newspaper published at the county-seat, for at least one insertion.

SEC. 17. All road funds or securities in the hands of any officer of any county coming under the provisions of this act, or of any township thereof, on the first Monday of June, 1899, shall be promptly turned over to the treasurer of the county, and by him credited to the road funds of the county or of the township to which it belongs; and all teams, machinery, implements, or other equipments belonging to said county or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships shall be by said officers or persons turned over to the county commissioners of such county on the first Monday in June, 1899, and by them be held and used on the public roads of the county or of the township owning the same: *Provided*, that the board of commissioners in any county may order such road funds, securities, teams, implements or other road equipment, accounted for and turned over as required above, at any date prior to its regular meeting in June; and officers or persons refusing or neglecting so to do, after having been served with ten days' written notice, shall be guilty of a misdemeanor.

Inventory and  
settlement.

SEC. 18. The board of commissioners in any county coming under the provisions of this act, in which the tax for road purposes in the county or any township thereof at the time is not less than 10 cents on the \$100 worth of property, may, at its discretion, at its regular meeting in January, 1900, or at any regular January meeting thereafter, reduce the number of days of labor required for road purposes in any such county or township thereof in section 4 of this act, such reduction not to exceed one day during any year, reducing also in each case the money to be paid in

Gradual reduction  
in number of days  
for road labor.

lieu of such labor at the rate of 50 cents for each day: *Provided*, that for each such reduction in the labor requirement the said board of commissioners shall, at its regular meeting in June next following each such reduction, increase the tax levy for road purposes provided for in section 1 of this act by the amount of  $2\frac{1}{3}$  cents on each \$100 worth of property and 7 cents on the poll.

Reduction of money in lieu of four days' labor to one dollar.

SEC. 19. The board of commissioners in any county coming under the provisions of this act in which the moneys expended for road improvement in the county or any township thereof exceeds an amount equivalent to the tax levy of 12 cents on the \$100 worth of property and 36 on the poll, may, at the discretion of said board, reduce the money requirement in lieu of the four days' labor on the roads provided for in section 4 of this act in such county or township thereof to one dollar for each year.

SEC. 20. In any county coming under the provisions of this act which appropriates annually for road purposes moneys derived from the sale of bonds, or from other taxes, not less in amount than the income from a tax levy of 10 cents on the \$100 worth of property in such county, the commissioners in said county shall not, while continuing such appropriation, be required to levy the special road tax provided for in section 1 of this act.

Additional township road tax.

SEC. 21. When in any township in any county coming under the provisions of this Act, a petition is presented to the board of county commissioners, signed by a majority of the land owners of said township, asking that in that township an additional special tax be levied for road purposes, or when in any such township, an election being held in accordance with the laws of this state, and the majority of the votes cast at said election being in favor of such special tax, the county commissioners in such county shall, at their next regular June meeting, levy in such township such additional special road tax as they have been requested to levy by said petition or vote, said tax to be levied and collected as provided for other road taxes in section one of this act; and such taxes shall be added to the township road fund of the township in which it is paid and shall be used only on the roads in that township, under the direction of the board of county commissioners, or under the direction of the three township road commissioners named in said petition or vote, if such be named.

Applies to certain counties.

SEC. 22. This act shall apply to the counties of Mecklenburg (excepting sections 4, 5, 6 and 7), Forsyth (excepting sections 4, 5, 6 and 7), Alamance, Rockingham, Gaston, Orange (for Chapel Hill township only), Durham, New Hanover, Pender, Warren: *Provided*, that as applied to the counties of Durham, Mecklenburg, Forsyth, Alamance, Rockingham and Orange (for chapel Hill township), Warren, the word "may" where it first occurs in section 10 of this act be stricken out and the word "shall" inserted in lieu thereof.

May be adopted for other counties.

SEC. 23. In the counties named below in this section, this act may become the road law in each such county, or any township thereof, when adopted as such by the board of county commissioners at any regular meeting, after being requested to do so by petition signed by three hundred (300) freeholders of the county or fifty (50) freeholders of the township; and when so adopted for any such county or township, it shall be



the road law for such county or township, and all other laws in conflict with this act, as applied to such county or township shall be then and thereby repealed or suspended during such time as this law may remain in force : Alexander, Granville, Nash, Beaufort, Greene, Northampton, Bertie, Brunswick, Bladen, Caldwell, Catawba, Chatham, Cleveland, Currituck, Edgecombe, Franklin, Halifax, Hyde, Johnston, Jones, Lenoir, Lincoln, McDowell, Moore, Orange (excepting Chapel Hill township), Pamlico, Pasquotank, Perquimans, Rowan, Richmond, Polk, Stanly, Swain, Vance, Washington, Yadkin, Wilson, Jackson, Tyrrell.

SEC. 24. In this act as applied to Durham county, the services of the road superintendent as provided for in section 2, and of the guards as provided for in section 3 of this act, shall be paid for out of the general county fund ; and the moneys raised under section 1 of this act in each township shall be expended in the townships paying the same : *Provided*, that the road tax paid in the county by the building and loan associations, railroad, express, telegraph and telephone companies, and like corporations, shall be used for permanent road improvement in the county in such manner as the board of county commissioners may in its judgment deem best, and *Provided further* that in section 4 of this act lines 2 and 3 the clause "except residents of incorporated towns and cities" shall read "except those who reside within the corporate limits of the town of Durham."

SEC. 25. That in this act as applied to Pender county, C. P. More, A. B. Croom and F. P. Flinn of said county shall be and the same are hereby constituted a board of road commissioners for Pender county ; vacancies in said board to be filled by the board of county commissioners ; members of said road commission to be paid a sum not exceeding \$1.50 each per day, while actually engaged in the necessary work of the commission, for not more than three days during any one month ; and the said road commission is hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the county commissioners ; and the county commissioners shall levy such tax under section 1 of this act as may be recommended by the said road commission, when petitioned to do so by ten responsible freeholders from each of at least six townships in the county.

SEC. 26. That in this act as applied to Chapel Hill township in Orange county, G. E. Donnell, W. F. Cole and J. A. Holmes of said township, shall be and the same are hereby constituted a special road commission for said township, which road commission, in carrying out the provisions of this act as applied to said township, is hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the county commissioners. The county commissioners under section 1 of this act shall levy such and only such road tax for Chapel Hill township, within the limits prescribed in section 1 of this act, as may be recommended by said board of road commissioners, and all moneys arising therefrom shall be kept separate by the county treasurer and shall be expended in Chapel Hill township ; vacancies on said board of road commissioners shall be filled by the board of county commissioners ; and its members shall be paid out of the township road fund, not exceeding \$1.00 per day each, while actually engaged in the neces-

sary work of the commission, for not more than three days during any one month. Such moneys as may be paid in lieu of the labor in said township may be collected by the supervisor of roads elected by said road commission and deposited by him for road purposes in such manner, and with such person, and expended as may be designed by the said road commission of the township.

Except section one  
may be adopted by  
other counties.

SEC. 27. This act shall not apply to the following counties: Anson, Ashe, Alleghany, Burke, Cabarrus, Camden, Chowan, Cherokee, Craven, Carteret, Clay, Columbus, Cumberland, Dare, Davie, Duplin, Caswell, Graham, Gates, Guilford, Henderson, Harnett, Iredell, Macon, Montgomery, Martin, Madison, Mitchell, Onslow, Pitt, Person, Randolph-Robeson, Rutherford, Sampson, Surry, Transylvania, Wayne, Wilkes, Wake, Union, Watauga, Yancey, Scotland, Hertford, Davidson, Stokes, Haywood, Buncombe:

*Provided*, that in any county or township not coming under the provisions of this act, but otherwise providing funds for road improvement, the commissioners of such county may at any regular meeting, at their discretion, adopt any of the sections (except section one levying a tax) of this act that in their judgment may be specially adapted to the needs of their county and incorporate the same in the road law of the said county.

Does not interfere  
with existing  
township system.

SEC. 28. That all laws and parts of laws in conflict with this act are hereby repealed: *Provided*, that nothing in this act shall be understood or construed as in any way interfering with any existing system of township road work in any township already levying a township tax for road purposes, in any county coming under the provisions of this act.

SEC. 29. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this, the 7th day of March, A. D. 1899.

**FORM OF PETITION REQUESTING THE ADOPTION OF THE GENERAL ROAD LAW.**

The following may serve as a suggestion in the way of the general form of petition to be presented to the county commissioners asking them to adopt this road law as provided for under section 23 of the same :

We the undersigned freeholders of -----county\* respectfully petition the honorable Board of Commissioners of this county at their next regular meeting to adopt the general road law entitled, "An act to provide for the better working of the public roads and highways of the State," enacted by the General Assembly of 1899, as the road law for this county. †

\*Or township of the county of -----, in case it is desired to adopt the law for some special township and not for the county as a whole.

† Or township, as the case may be.



**THE WIDE-TIRE LAW.****ADVANTAGES OF WIDE TIRES.**

The benefits resulting from the use of wide tires on wagons and other vehicles are two fold :

1. By the rolling and packing effect of these wide tires the road surface is made smooth and even, instead of being cut into deep ruts, as is the case in the use of narrow tires. Thus a wagon with tires six inches wide will pack twelve inches of road surface every time it passes along ; a wagon with tires  $1\frac{1}{2}$  inches wide would pack only three inches of road surface ; and if we adopt a practice similar to that followed in Europe of having the front and rear axels of different lengths, the wagon with six-inch tires would roll and pack twenty-four inches of road surface. Thus the wide tire not only prevents a road surface from being cut to pieces but it also smooths the surface so as to make it much better for traveling. Even in the case of macadam roads where the surface is more or less hard and firm the narrow tire tends to crush the rock and wear the surface into ruts ; whereas the wide tire tends to pack and make smooth this surface.

2. As a rule where the wide tires are used heavier loads can be pulled or the same loads pulled more easily, even taking the road surfaces as they exist, than with narrow tired wagons ; and when it is remembered that the wide tire makes a road surface more smooth and even it will be more readily understood that still larger loads can be pulled in any wagon on roads which have thus been packed by wide tires than in the same wagon on another road which has been cut up through the use of narrow tires

The use of these wide tires on all draft vehicles and even on spring vehicles in European countries is almost universal. It has there been a long recognized fact that the use of such tires is not only better for the team but also better for the roads. This practice of using wide tires is now being introduced in many portions of our own country, and on roads of all descriptions—sandy roads, clay roads and macadam roads. The practice is proving beneficial.

The following statement gives some of the more striking results obtained from an elaborate series of experiments comparing the loads that can be hauled on wide and narrow tired wagons, by the Missouri Agricultural Experiment Station :




Macadam roads an average of 26 per cent. in favor of wide tires.  
On gravel roads 26 to 45 per cent. in favor of wide tires.  
On ordinary dirt roads 22 to 71 per cent. in favor of wide tires.  
On ordinary meadow lands 22 to 84 per cent. in favor of wide tires.  
On pasture lands 26 to 89 per cent. in favor of wide tires.  
On stubble lands 34 to 72 per cent. in favor of wide tires.  
On plowed ground 33 to 44 per cent. in favor of wide tires.  
On clay road with deep mud and deep ruts 10 to 49 per cent. in favor of narrow tires. But with the general introduction of wide tires this condition of things (deep mud and deep ruts) would not exist.

The results of these tests, and indeed the whole question of the use of wide tires, is discussed more fully in Bulletin 18 on Road Building in North Carolina, published by the North Carolina Geological Survey, copies of which can be had by application at the Survey office.

#### THE TEXT OF THE WIDE-TIRE LAW

is given on the following page.

  
MAR 22 1910

AN ACT TO PROVIDE FOR THE IMPROVEMENT AND PROTECTION OF THE PUBLIC ROADS OF THE STATE, THROUGH THE USE OF WIDE TIRES ON WAGONS AND OTHER DRAFT VEHICLES.

WHEREAS, The use of wide-tired vehicles on the public roads of the State, as shown by experience, will both benefit and protect these roads by packing and smoothing the surface of the same;

*The General Assembly of North Carolina do enact:*

SECTION 1. That every person, firm or corporation in the State who, during the year ending December thirty-first, 1899, and each succeeding year thereafter, owns and uses on the public roads of the State any wagon or other draft vehicles with tires as wide as the standard wide-tire wheels described in section 2 of this act, shall on the presentation of proof thereof, satisfactory to the Commissioners of any county in which said wide-tire vehicles are used, be paid by the county treasurer of such county, out of the road fund of the county or township in which the same is used, each and every year, for a period of five years, a sum equal to one-half his or her road tax: Provided, that in no case shall the amount so paid for any year be greater than two dollars on one such vehicle, nor in any case shall the total amount paid to any one person, firm or corporation exceed the sum of five dollars during any one year; and Provided, further, that in case any such person pays no road tax, he shall during each and every year, for a period of five years, be exempt from one-half of the labor which under the law he may otherwise be required to expend on the public roads of the county or township in which he resides.

SEC. 2. For the purposes of this Act, the standard for wide-tire wagons and other draft vehicles shall be as follows: For a *one-horse vehicle* (with skeins  $2\frac{1}{2}$  by 8 inches or under, or spindles  $1\frac{3}{8}$  by 7 inches or under) two and one-half ( $2\frac{1}{2}$ ) inch tires; for *two-horse vehicles* (with skeins larger than  $2\frac{1}{2}$  by 8 inches, not over 3 by 9 inches, or with spindles more than  $1\frac{3}{8}$  by 7 inches, and not over  $1\frac{3}{4}$  by 10 inches) four inch tires; and for all vehicles with skeins and spindles larger than the above, six-inch tires.

SEC. 3. This act shall only apply to the following counties: Alamance, Edgecombe, Lincoln, Mecklenburg, Moore, Orange (for Chapel Hill Township only), New Hanover, Rowan, Wilson, Durham and Granville.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this, the 7th day of March, 1899.

It is advisable to use 6-inch tires even on two-horse wagons.

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